

House Bill 477 (COMMITTEE SUBSTITUTE)

By: Representative Jones of the 47th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-7-4 of the Official Code of Georgia Annotated, relating to
2 procedures for disposition of property formerly acquired for public road purposes but later
3 abandoned, so as to provide for notice and right to acquire when such property is located
4 within a subdivision; to amend Chapter 31 of Title 36 of the Official Code of Georgia
5 Annotated, relating to incorporation of municipal corporations, so as to provide that newly
6 incorporated municipalities shall assume ownership and control of county road rights of way
7 located within the area incorporated; to provide for applicability; to provide an effective date;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Code Section 32-7-4 of the Official Code of Georgia Annotated, relating to procedures for
12 disposition of property formerly acquired for public road purposes but later abandoned, is
13 amended by revising paragraph (1) of subsection (a) as follows:

14 "(a)(1) In disposing of property, as authorized under Code Section 32-7-3, the
15 department, a county, or a municipality shall notify the owner of such property at the time
16 of its acquisition or, if the tract from which the department, a county, or a municipality
17 acquired its property has been subsequently sold, shall notify the owner of abutting land
18 holding title through the owner from whom the department, a county, or a municipality
19 acquired its property. In the event that all or a portion of the property subject to
20 disposition is located in a subdivision with a duly formed property owner's association,
21 the notice for that portion of the property within such subdivision may be provided to the
22 association in lieu of the individual owners of abutting land. The notice shall be in
23 writing delivered to the appropriate owner or association or by publication if ~~his or her~~
24 the owner's or association's address is unknown; and ~~he or she~~ the owner or the
25 association, as applicable, shall have the right to acquire, as provided in this subsection,
26 the property with respect to which the notice is given. Publication, if necessary, shall be

27 in a newspaper of general circulation in the county where the property is located. If, after
28 a search of the land and probate records, the address of any interested party cannot be
29 found, an affidavit stating such facts and reciting the steps taken to establish the address
30 of any such person shall be placed in the department, county, or municipal records and
31 shall be accepted in lieu of service of notice by mailing the same to the last known
32 address of such person. After properly completing and filing such affidavit, the
33 department, county, or municipality may dispose of the property in accordance with the
34 provisions of subsection (b) of this Code section."

35 **SECTION 2.**

36 Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation
37 of municipal corporations, is amended by adding a new Code section to read as follows:

38 "36-31-7.1.

39 (a) When a new municipal corporation is created by Act of the General Assembly, the new
40 municipality shall assume the ownership, control, care, and maintenance of county road
41 rights of way located within the area incorporated unless the municipality and the county
42 agree otherwise by joint resolution.

43 (b) This Code section shall apply to any new municipal corporation created by Act of the
44 General Assembly on or after April 15, 2005."

45 **SECTION 3.**

46 This Act shall become effective upon its approval by the Governor or upon its becoming law
47 without such approval.

48 **SECTION 4.**

49 All laws and parts of laws in conflict with this Act are repealed.